

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,) Case No. 1:08-cr-7
)
v.) Honorable Robert Holmes Bell
)
PEDRO ROMAN-GUERRERO,)
)
Defendant.)
)

REPORT AND RECOMMENDATION

Pursuant to W.D. Mich. L.Cr.R. 11.1, I conducted a plea hearing in the captioned case on January 23, 2008, after receiving the written consent of defendant and all counsel. At the hearing, defendant Pedro Roman-Guerrero entered a plea of guilty to Count 1 of the Indictment, charging defendant with being in the United States without having obtained the express prior consent of the Attorney General of the United States or the Secretary of Homeland Security to return or to reapply for admission to the United States in violation of 8 U.S.C. § 1326(a). On the basis of the record made at the hearing, I find that defendant is fully capable and competent to enter an informed plea; that the plea is made knowingly and with full understanding of each of the rights waived by defendant; that it is made voluntarily and free from any force, threats, or promises; that the defendant understands the nature of the charge and penalties provided by law; and that the plea has a sufficient basis in fact.

I therefore recommend that defendant's plea of guilty to Count 1 of the Indictment be accepted, and that the court adjudicate defendant guilty. It is further recommended that defendant remain detained pending sentencing. Acceptance of the plea, adjudication of guilt, and imposition of sentence are specifically reserved for the district judge. The clerk is directed to procure a transcript of the plea hearing for review by the District Judge.

Date: January 23, 2008

/s/ Timothy P. Greeley
TIMOTHY P. GREELEY
United States Magistrate Judge

NOTICE TO PARTIES

You have the right to de novo review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than ten days after the plea hearing. *See* W.D. Mich. L.C.R.R. 11.1(d).